

RESUBMITTAL

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2012-1218-03 SR	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2012 DEC 18 PM 4:54

OFFICE OF
ADMINISTRATIVE LAW

2013 JAN 31 PM 1:31

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
Board of Forestry & Fire Protection

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2011 51-2	PUBLICATION DATE 12-23-2011	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Fire Safe Regulations Update, 2011	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2012-0514-02 S
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
	REPEAL <i>per agency request. RS</i>
TITLE(S) 14	\$ 1270.00, \$ 1270.02, \$ 1270.03, \$ 1270.04, \$ 1270.05, \$ 1270.06, \$ 1270.07, \$ 1270.08, \$ 1270.09.

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

Availability of modified regulations from July 2, 2012 to public hearing on August 8, 2012. *July 23, 2012. per agency request. RS*

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) April 1, 2013 (Gov. Code §11343.4(a))
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input checked="" type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON

Eric Huff, Regulations Coordinator	TELEPHONE NUMBER 916-653-9633	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) eric.huff@fire.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>[Signature]</i>	DATE December 18, 2012
TYPED NAME AND TITLE OF SIGNATORY Eric Huff, Regulations Coordinator	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 31 2013

Office of Administrative Law

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 01-09) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Gov. Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Gov. Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Gov. Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number(s) for the original emergency filing(s) in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and insert the OAL file number(s) related to the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B).

CHANGES WITHOUT REGULATORY EFFECT

When submitting changes without regulatory effect pursuant to California Code of Regulations, Title 1, section 100, complete Part B, including marking the appropriate box in both B.3. and B.5.

ABBREVIATIONS

Cal. Code Regs. - California Code of Regulations
Gov. Code - Government Code
SAM - State Administrative Manual

For questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law Reference Attorney at (916) 323-6815.

SRA Fire Safe Regulations Update, 2011

14 CCR, Division 1.5, Chapter 7 Fire Protection, Subchapter 2.

SRA Fire Safe Regulations

[Adopted August 8, 2012]

§ 1270. Title.

These regulations shall be known as "SRA" Fire Safe Regulations", and shall constitute the basic wildland fire protection standards of the California Board of Forestry and Fire Protection.

Note: Authority cited: Public Resources Code Section 4290. Reference: Public Resources Code Sections 4102, 4126, 4127 and 4290.

§ 1270.02. Scope.

~~These regulations do not apply to existing structures, roads, streets, and private lanes or facilities. These regulations shall apply as appropriate to all construction within SRA approved after January 1, 1991.~~

(a) These regulations shall apply to:

(1) the perimeters and access to all residential, commercial, and industrial building construction within SRA approved after January 1, 1991 except as set forth below in subsection b.);

(2) all tentative and parcel maps or other developments approved after January 1, 1991;
and

(3) applications for building permits on a parcel approved in a pre-1991 parcel or tentative map to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative map.

1 (b) These regulations do not apply where an application for a building permit is filed
2 after January 1, 1991 for building construction on a parcel that was formed from a parcel map or
3 tentative map (if the final map for the tentative map is approved within the time prescribed by
4 the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to
5 the perimeters and access to the buildings were imposed by the parcel map or final tentative
6 map approved prior to January 1, 1991.

7 (c) Affected activities include, but are not limited to:

8 (1a) Permitting or approval of new parcels, excluding lot line adjustments as specified in
9 Government Code (GC) Section 66412(d),

10 (2b) application for a building permit for new construction, not relating to an existing
11 structure,

12 (3e) applications for a use permit,

13 (4d) the siting of manufactured homes (manufactured homes are as defined by the National
14 Fire Protection Association, National Fire Code, Section 501A, Standard for Fire Safety Criteria
15 for Manufactured Home installations, Sites and Communities, chapter 1, section 1-2, Definitions,
16 page 4, 1987 edition and Health and Safety Code Sections 18007, 18008 and 19971).

17 (5e) road construction, including construction of a road that does not currently exist, or
18 extension of an existing road.

19 (d) EXEMPTION: Roads required as a condition of tentative parcel maps prior to the effective
20 date of these regulations; Roads used solely for agricultural or mining use solely on one
21 ownership; and roads used solely for the management and harvesting of wood products.

22
23 Note: Authority cited: Public Resources Code Section 4290. Reference: Public Resources Code
24 Sections 4290 and 4291.

1 **§ 1270.03. Local Ordinances.**

2 Nothing contained in these regulations shall be considered as abrogating the provisions of
3 any ordinance, rule or regulation of any state or local jurisdiction providing such ordinance, rule
4 or regulation or general plan element is equal to or more stringent than these minimum
5 standards. The Board may certify local ordinances as equaling or exceeding these regulations
6 when they provide the same practical effect. The Board's certification of local ordinances
7 pursuant to this section is rendered invalid when previously certified ordinances are
8 subsequently amended by local jurisdictions without Board re-certification of the amended
9 ordinances. The Board's regulations supersede the amended local ordinance(s) when the
10 amended local ordinance(s) are not re-certified by the Board. Amendments made by local
11 jurisdictions to previously certified ordinances shall be re-certified as described in 14 CCR §§
12 1270.01 and 1270.03.

13
14 Note: Authority cited: Public Resources Code Sections 4111 and 4290. Reference: Public
15 Resources Code Sections 4117 and 4290.

16
17 **§ 1270.04. Provisions for Application of these Regulations.**

18 This subchapter shall be applied as follows:

19 (a) local jurisdictions shall provide the Director with notice of applications for building permits,
20 tentative parcel maps, tentative maps, and use permits for construction or development within
21 SRA.

22 (b) the Director ~~may~~ shall review and make fire protection recommendations on applicable
23 construction or development or maps provided by the local jurisdiction.

24 (c) the local jurisdiction shall ensure that the applicable sections of this subchapter become a
25 condition of approval of any applicable construction of development permit or map.

Note: Authority cited: Public Resources Code Section 4290. Reference: Public Resources Code Sections 4290 and 4291.

§ 1270.05. Inspection Authority

(a) Inspection shall be made pursuant to Section 1270.06 by:

(1) the Director, or

(2) local jurisdictions that have assumed state fire protection responsibility on SRA lands, or

(3) local jurisdictions where these regulations have been ~~implemented through~~ incorporated verbatim into that jurisdiction's building permit or subdivision approval process and the inspection duties have been formally delegated by CAL FIRE to the local jurisdiction, or

(4) local jurisdictions where the local ordinances have been certified pursuant to 14 CCR §§ 1270.01 and 1270.03 and the inspection duties have been formally delegated by CAL FIRE to the local jurisdiction.

(b) Nothing in this section abrogates CAL FIRE's authority to inspect and enforce state forest and fire laws even when the inspection duties have been delegated pursuant to this section.

(bc) Reports of violations shall be provided to the CAL FIRE CDF-Ranger Unit headquarters that administers SRA fire protection in that county the local jurisdiction.

Note: Authority cited: Public Resources Code Sections 4111, 4119 and 4290. Reference: Public Resources Code Section 4290.

§ 1270.06. Inspections.

The inspection entity listed in 14 CCR 1270.05~~inspection authority~~ may inspect for compliance with these regulations. When inspections are conducted, they should occur prior to: the issuance of the use permit; certificate of occupancy; the recordation of the parcel map or final map; the filing of a notice of completion; or the final inspection of any project or building permit.

Note: Authority cited: Public Resources Code Section 4290. Reference: Public Resources Code Sections 4119, 4290, and 4291.

§ 1270.07. Exceptions to Standards.

Upon request by the applicant, exceptions to standards within this subchapter or local jurisdiction certified ordinances and mitigated practices may be allowed by the inspection entity listed in 14 CCR 1270.05 inspection authority, where the exceptions provide the same overall practical effect as these regulations towards providing defensible space. Exceptions granted by the inspection entity listed in 14 CCR 1270.05 shall be made on a case-by-case basis only. Exceptions granted by the inspection entity listed in 14 CCR 1270.05 shall be forwarded to the appropriate CAL FIRE Unit Office that administers SRA fire protection in that county and shall be retained on file at the Unit Office.

Note: Authority cited: Public Resources Code Section 4290. Reference: Public Resources Code Sections 4290 and 4291.

§ 1270.08. Request for Exceptions.

Requests for an exception shall be made in writing to the inspection entity listed in 14 CCR 1270.05 inspection authority by the applicant or the applicant's authorized representative. The request shall state the specific section(s) for which an exception is requested, material facts supporting the contention of the applicant, the details of the exception or mitigating measure proposed, and a map showing the proposed location and siting of the exception or mitigating measure.

Note: Authority cited: Public Resources Code Section 4290. Reference: Public Resources Code Sections 4290 and 4291.

1 **§ 1270.09. Appeals**

2 Where an exception is not granted by the inspection entity ~~authority~~, the applicant may
3 appeal such denial to the local jurisdiction. The local jurisdiction may establish or utilize an
4 appeal process consistent with existing local building or planning department appeal processes.
5 Before the local jurisdiction makes a determination on an appeal, the inspection authority shall
6 be consulted and shall provide to that local jurisdiction documentation outlining the effects of the
7 requested exception on wildland fire protection.

8 If an appeal is granted, the local jurisdiction shall make findings that the decision meets the
9 intent of providing defensible space consistent with these regulations. Such findings shall
10 include a statement of reasons for the decision. A written copy of these findings shall be
11 provided to the CAL FIRE ~~CDF~~ ~~Ranger~~ Unit headquarters that administers SRA fire protection
12 in that ~~county~~ local jurisdiction.

13
14 Note: Authority cited: Public Resources Code Section 4290. Reference: Public Resources Code
15 Sections 4290 and 4291.